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March 22, 2012

8**4(1)**

Via E-File

Lester A. Heltzer, Executive Secretary National Labor Relations Board 1099 14th Street, N.W. Washington, D.C. 20570-0001

Re: Dixie Electric Membership Corporation ("DEMCO"), 15-CA-019954 and 15-UC-061496

Dear Secretary Heltzer:

In respondent DEMCO's Opposition to Charging Party IBEW's Motion to Strike respondent's exceptions and supporting brief, DEMCO states that "[a]t the filing deadline of the Exceptions, DEMCO had yet to receive the transcript of the hearing." (Opposition at 1) Counsel for the charging party IBEW finds this assertion astounding.

As Judge Ringler noted in his Decision in this case, he conducted the hearing on October 17 and 18, 2011. IBEW counsel can represent that the transcript was available no later than October 26, 20011, when counsel received it via e-mail. Counsel can also represent that both the charging party and counsel for the General Counsel cited to the transcript in their post-hearing briefs to the Administrative Law Judge, which they filed on November 17, 2011. It is a matter of record that the Judge cited to the transcript in his Decision, which he issued on January 24, 2012. In an order dated January 24, 2012, you set the initial deadline for exceptions as February 21, 2012. Respondent then requested and received an extension of time to and including March 12, 2012. Thus respondent asserts it had yet to receive -- by March 12, 2012 -- a transcript that had been available to the other parties and the Judge since late October 2011.

This four-month failure to acquire or access (via the Region) a copy of the hearing transcript is simply unjustifiable.

SHERMAN, DUNN, COHEN, LEIFER & YELLIG, P.C.

Sincerely,

SHERMAN, DUNN, COHEN, LEIFER & YELLIG, P.C.

By:

Nora H. Leyland

cc: M. Kathleen McKinney, Regional Director, NLRB Region 15 Beauford Pines, Counsel for the Acting General Counsel

David J. Shelby, II, Counsel for the Respondent M. Lenore Feeney, Counsel for the Respondent